

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Sparkle Ruffin,

Plaintiff, Case No. 19-11114

v.

Judith E. Levy
United States District Judge

Equifax Information Services,
LLC, *et al*,

Mag. Judge Anthony P. Patti

Defendants.

/

**OPINION AND ORDER GRANTING PLAINTIFF'S MOTION
SEEKING LEAVE TO AMEND COMPLAINT [28]**

Plaintiff Sparkle Ruffin is suing several banks for allegedly violating the Fair Credit Reporting Act. (ECF No. 1.) Plaintiff filed this complaint in Wayne County Circuit Court on February 27, 2019. (*Id.*) Defendant Trans Union, LLC removed the case to this Court on April 16, 2019. (*Id.*)

On September 13, 2019, Plaintiff moved to amend her complaint to join First National Bank as a defendant. (ECF No. 29.) Plaintiff argues that she misidentified the proper defendant, First National Bank, and

instead accidentally named First National Bank of Omaha as a defendant. (ECF No. 28, PageID.128.) Plaintiff voluntarily dismissed First National Bank of Omaha on June 17, 2019, (ECF No. 20), and her claims against First National Bank are identical to those against First National Bank of Omaha. (*Compare* ECF No. 1, PageID.16-18 *with* ECF No. 28, PageID.134-136.)

Because Plaintiff moved to amend her complaint more than 21 days after serving it, Plaintiff needs the consent of either the Court or the opposing party. *See* Fed. R. Civ. P. 15(a)(2). Counsel for the only remaining defendant, Trans Union, LLC, did not provide written consent. However, Plaintiff indicated that Defendant Trans Union does not object to the motion. (ECF No. 28.) Indeed, Trans Union did not file a response to the motion within the allotted time to do so.

When a party seeks to amend its complaint pursuant to Fed. R. Civ. P. 15(a)(2), the Court “should freely give leave when justice so requires.” Absent “any apparent or declared reason” to deny leave, “such as undue delay, bad faith, or dilatory motive[,]” “this mandate is to be heeded.” *Foman v. Davis*, 371 U.S. 178, 182 (1962). Because no defendants have objected, the need to amend is reasonable, and there is no “apparent or

declared reason” to deny leave, this Court GRANTS Plaintiff’s motion for leave to amend her complaint.

IT IS SO ORDERED.

Dated: October 1, 2019
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court’s ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on October 1, 2019.

s/Shawna Burns
SHAWNA BURNS
Case Manager